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Express Mail Label No. EV 396 740 432 US

PATENT APPLICATION  
Docket No. 15436.249.41.1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## TRANSMITTAL FOR PATENT APPLICATION

Sir:

Transmitted herewith for filing under 37 C.F.R. § 1.53(b) is a United States patent application entitled MULTI-AXIS OPTICAL DEVICE ALIGNMENT APPARATUS in the name of the following inventor(s):

|              |   |
|--------------|---|
| Inventor:    | Robert Daniel Burn, III                       |
| Citizenship: | United States of America                      |
| Address:     | 593 Patrol Road<br>Woodside, California 94062 |

Enclosed are the following:

- X A specification, claims, abstract, and cover page in total comprising TWENTY-NINE (29) pages.
- X SIX (6) sheets of drawings.
- X Non-publication request requesting that the present application not be published.

- X A single signature Declaration, Power of Attorney and Petition.
- X An Assignment conveying the invention to FINISAR CORPORATION, including a Form PTO 1595 recordation cover sheet.
- X A Certificate of Mailing by "Express Mail" certifying a filing date by use of Express Mail Label No. EV 396 740 432 US.

The filing fee has been calculated as shown below.

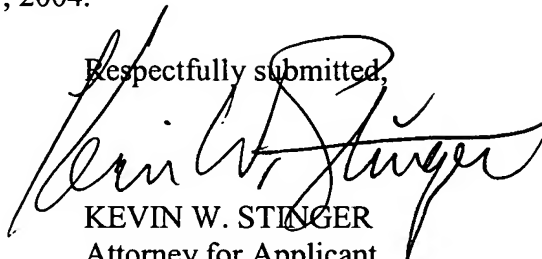
|                          |           |           | SMALL ENTITY |       | LARGE ENTITY |          |
|--------------------------|-----------|-----------|--------------|-------|--------------|----------|
| FOR                      | NO. FILED | NO. EXTRA | RATE         | FEE   | RATE         | FEE      |
| BASIC FEE                |           |           |              | \$385 |              | \$770    |
| TOT. CLAIMS              | 21-20=    | 1         | X 9=         |       | X 18=        | 18       |
| IND. CLAIMS              | 3-3=      | 0         | X 43         |       | X 86=        |          |
| MULTIPLE DEPENDENT CLAIM |           |           | +140=        |       | +280=        |          |
|                          |           |           | TOTAL        |       | TOTAL        | \$788.00 |

- X Credit Card Payment Form PTO-2038 in the amount of \$828.00 is enclosed to cover the government filing fee and Assignment recordation fee.
- X The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-3178.
- X Any additional filing fees required under 37 C.F.R. § 1.16.
- X Any patent application processing fees under 37 C.F.R. § 1.17.
- X The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 23-3178.
- X Any filing fees under 37 C.F.R. § 1.16 for presentation of extra claims.
- X Any patent application processing fees under 37 C.F.R. § 1.17.
- X A duplicate copy of this letter is enclosed.

Please address all future correspondence in connection with the above-identified patent application to the attention of the undersigned.

Dated this 9<sup>th</sup> day of January, 2004.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kevin W. Stinger", written over the typed name.

KEVIN W. STINGER  
Attorney for Applicant  
Registration No. 48,959  
**Customer No. 022913**

KWS/lrc  
LC0000000573V001

Express Mail Label No. EV 396 740 432 US

PATENT APPLICATION  
Docket No. 15436.249.41.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

"Express Mail" Mailing Label No.: EV 396 740 432 US

Date of Deposit: January 9, 2004

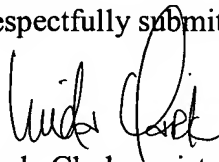
CERTIFICATE OF MAILING BY "EXPRESS MAIL"

I hereby certify that the following documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated below in an envelope addressed to Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450:

- Patent Application in the name(s) of Robert Daniel Burn, III for MULTI-AXIS OPTICAL DEVICE ALIGNMENT APPARATUS (29 Pages)
- Drawings (6 sheets)
- Non-publication Request (2 pages)
- Transmittal Letter (3 pages) (in duplicate)
- Declaration, Petition, and Power of Attorney (2 pages)
- Assignment Recordation Cover Sheet (1 page)
- Assignment (2 pages)
- Credit Card Payment Form PTO-2038 in the amount of \$828.00 (1 page)
- Postcard

Dated this 9 day of January 2004.

Respectfully submitted,



Linda Clark, assistant to  
Kevin W. Stinger  
Attorney for Applicant  
Registration No. 48,959  
Customer No. 022913

EXPRESS MAIL LABEL NO. EV 396 740 432 US

PATENT APPLICATION

Docket No.: 15436.249.41.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                       |                                     |   |
|-----------------------|-------------------------------------|---|
| In re application of: |                                     | ) |
|                       |                                     | ) |
|                       | Robert Daniel Burn                  | ) |
|                       |                                     | ) |
| Serial No.:           | Unknown                             | ) |
|                       |                                     | ) |
| Filed:                | January 9, 2004                     | ) |
|                       |                                     | ) |
| For:                  | MULTI-AXIS OPTICAL DEVICE ALIGNMENT | ) |
|                       | APPARATUS                           | ) |

**NON-PUBLICATION REQUEST**

Mail Stop: PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

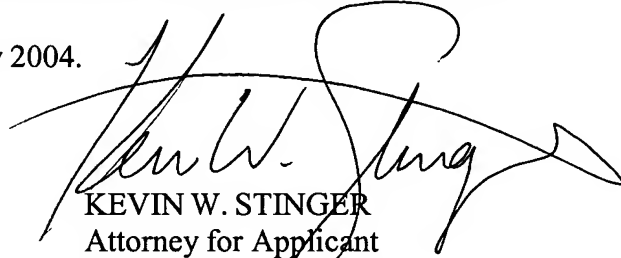
Dear Sir:

The undersigned Applicant hereby makes a "NON-PUBLICATION REQUEST" in accordance with 37 C.F.R. § 1.213(a). As such, the present application is not to be published under 35 USC § 122 (b). Applicant certifies that the application has not been and will not be the subject of an application filed in another country, or under a multi-lateral international agreement, that requires publication of applications eighteens months after filing.

The foregoing certification is predicated upon both objective and subjective factors, any of which the Applicant reserves the right to reconsider at any time in the future for purposes of subjecting the present application to one or more filings in other countries. As such, the Applicant reserves the right under 37 C.F.R. § 1.213(b) to rescind the foregoing "NON-PUBLICATION REQUEST." Moreover, Applicant further reserves the right under 37 C.F.R. §

1.213(c) to subsequently file, in a foreign country or under a multi-lateral international agreement, an application directed to the inventions disclosed in the application filed in the Patent and Trademark Office, should Applicant's reconsideration of said subjective and objective factors deem that such foreign filings would be in the Applicant's best interest.

Dated this 9<sup>th</sup> day of January 2004.



KEVIN W. STINGER  
Attorney for Applicant  
Registration No. 48,959  
Customer No. 022913

KWS/lrc  
LC0000000571V001